

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:93-CR-00042-F-3

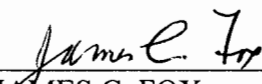
UNITED STATES OF AMERICA,)	
)	
v.)	<u>ORDER</u>
)	
ISAAC PERRY,)	
Defendant.)	

This matter is before the court on Isaac Perry's Motion for Judgment and Commitment [DE-60]. In his motion, Perry asserts that he is moving for a "new sentence and judge committment [sic]."

To the extent that Perry is attempting to attack the validity of his sentence, he has already unsuccessfully pursued collateral relief by filing a § 2255 motion. Thus, pursuant to 28 U.S.C. § 2244(b)(3)(A), "[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." Perry does not suggest that he has received pre-filing authorization. Accordingly, Perry's Motion for Judgment and Commitment [DE-60] is DISMISSED without prejudice to him to seek pre-filing authorization from the Fourth Circuit Court of Appeals.

SO ORDERED.

This, the 17th day of December, 2013.



JAMES C. FOX
Senior United States District Judge